



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 2400-99

18 November 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 16 November 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps dated 14 September 1999, a copy of which is enclosed.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:
1001/1
MMEA-6
14 SEP 1999

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR DOCKET NO. 02400-99 CASE OF [REDACTED]
[REDACTED]

1. [REDACTED] was properly denied additional service on 15 June 1998. According to MCO P1040.31H, Enlisted Career Planning and Retention Manual, basic prerequisites must be met before a Marine can reenlist. When [REDACTED] record was initially reviewed, it reflected three adverse fitness reports on his current contract. The first adverse fitness report, covering the period of 4 to 31 January 1994, was for being disenrolled from the Staff Noncommissioned Officers Academy Career Course due to failure of several academic tests. His second adverse fitness report, covering the period of 5 December 1995 to 9 January 1996, denotes his refusal to train and subsequent disenrollment from Drill Instructor School, a duty which he volunteered. His third adverse report, covering the period of 2 May to 24 June 1997, has since been pulled from his record, but was considered during our initial denial of further service.

2. Considering the nature of the three above adverse fitness reports, [REDACTED] did not, "demonstrate the high standards of leadership, professional competence and personal behavior required to maintain the prestige and quality standards of the Marine Corps", according to prerequisite 1 a. of MCO P1040.31. Therefore, [REDACTED] initial request for reenlistment was denied.


3. Upon careful review of [REDACTED] reenlistment package and official military personnel file (OMPF), after the removal of the fitness report covering 2 May to 24 June 1997, it is our opinion that his request for additional service still be denied. Without this fitness report, [REDACTED] still does not warrant continued service due to his refusal to train while at Drill Instructor School. [REDACTED] was described as having a, "defective attitude and an unwillingness to put forth minimal effort to successfully complete the course", while at Drill Instructor School. Subsequently, he was disenrolled and received an adverse fitness report from this professional school. This type of behavior is unacceptable from a Marine, especially a staff noncommissioned officer, and thus rendered [REDACTED] less competitive for further service.

Subj: BCNR DOCKET NO. 02400-99 CASE OF [REDACTED]

4. In denying [REDACTED] further service, we assigned him a reenlistment eligibility code of RE-3C and authorized involuntary separation pay at the half rate. The reenlistment code and separation pay are warranted on the basis of not meeting the prerequisites for reenlistment due to substandard performance on current contract. Per MCO P1900.16E, Marine Corps Separation and Retirement Manual and SECNAVINST 1900.7G, Separation Pay for Involuntary Separation from Active Duty, a Marine must be fully qualified for reenlistment in order to receive full separation pay.

5. We have reviewed [REDACTED] request and even with the removal of his adverse fitness report dated 2 May to 24 June 1997, his record still does not warrant additional service. We recommend you deny his request for further service and that [REDACTED] separation pay determination remain at one-half.

6. Point of contact is Captain [REDACTED] DSN [REDACTED]


MARK W. VANOUS
LIEUTENANT COLONEL
ASSISTANT HEAD, ENLISTED ASSIGNMENT BRANCH